

**Docket No.:** 832\_001 DIV3 (LT00043.3 DIV US)

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the application of: **James F. Brown**

Ser. No.: 10/798,857

Group Art Unit: 1641

Filed: March 11, 2004

Examiner: Christopher L. Chin

Confirmation No.: 7179

For: **METHOD FOR DETECTING THE PRESENCE OF A SINGLE TARGET NUCLEIC ACID IN A SAMPLE**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

<p align="center"><b>EFS CERTIFICATE OF TRANSMISSION</b></p> <p>I hereby certify that this paper is being transmitted via EFS to the Patent and Trademark Office on <i>September 21, 2009</i>.</p> <p align="center">_____ <i>/Cynthia K. Dawn/</i> Cynthia K. Dawn</p>
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**REQUEST FOR CONTINUED EXAMINATION  
(37 CFR §1.114)**

1. Applicant hereby requests continued examination, in accordance with 37 CFR §1.114, for the above identified application.
2. This request is being submitted:
  - i. ☒ Prior to abandonment of the application
  - ii. ☐ Payment of the issue fee
    - ☐ Prior to payment of issue fee
    - ☐ Issue fee has been paid but a petition under §1.313 was filed \_\_\_\_\_ (copy attached).
  - iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
    - ☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this Request for Continued Examination is being filed.
  - iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
    - ☐ Commencement of a civil action under 35 U.S.C. 146
      - ☐ Prior to the filing of such appeal or commencement of civil action
      - ☐ Such appeal or commencement of civil action has been terminated.

3. Please **Enter** and **Consider** the following *Previously Submitted Documents*:

- ☐ Amendment filed \_\_\_\_\_.
- ☐ Brief on Appeal filed \_\_\_\_\_.
- ☐ Other:

4. Enclosed herewith is/are:

- ☐ An Information Disclosure Statement and Form PTO-1449
- ☒ An Amendment
- ☒ New arguments
- ☐ New evidence in support of patentability
- ☐ A Request to Correct Inventorship
- ☐ Statement by Person being added as an inventor
- ☐ Declaration Under 37 C.F.R. 1.63 by actual inventors
- ☐ Statement under 3.73(b) expressing assignee's consent

5. The filing fee has been calculated as shown below:

RCE Filing Fee (37 CFR §1.17(e))					\$810.00
Claims	Claims Remaining After Amendment		Highest Number Previously Paid	No. of Extra Claims Present	
Total Claims	131	Minus	131	0	\$50.00
Independent Claims	34	Minus	34	0	\$210.00
Multiple Dependent Claim(s) (if applicable)					\$370.00
<u>Extension of Term</u>					\$1,110.00
a. <input type="checkbox"/> Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.					
b. <input checked="" type="checkbox"/> Applicant petitions for an extension of time, the fees for which are set out in 37 CFR §1.17(a)(1)-(4), for the total number of months checked below:					
<input type="checkbox"/> One Month (37 CFR 1.17(a)(1)) \$ 130.00					
<input type="checkbox"/> Two Months (37 CFR 1.17(a)(2)) \$ 490.00					
<input checked="" type="checkbox"/> Three Months (37 CFR 1.17(a)(3)) \$1,110.00					
If an additional extension of time is required, please consider this a petition therefor.					
<input type="checkbox"/> An extension for _____ months has already been secured, and the fee paid thereof of \$ _____ is deducted from the total fee due for					

the total months of extension now requested.	
<b>TOTAL OF ABOVE CALCULATIONS =</b>	<b>\$1,920.00</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR §1.27.	
<input type="checkbox"/> Fee set forth in 37 CFR 1.17(i) (Correction of Inventorship)	\$130.00
<b>TOTAL FEES DUE =</b>	<b>\$2,050.00</b>

6. Payment of Fees

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☐ Charge Deposit Account \_\_\_\_\_ in the amount of \$.

☒ The Total Fees Due were paid via EFS on Form PTO

7. Authorization to Charge Additional Fees or Credit Overpayment

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-3994;

☒ Any additional fees required under 37 CFR §1.17(e), §1.16(b)-(d) and/or §1.17(a)(1)-(4).

Respectfully submitted,

Date: September 21, 2009

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